

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:22-CV-185-D

SONYA PATRICK, et al.,)
Plaintiffs,)
v.)
ANDRE BOYD, et al.,)
Defendants.)

On October 28, 2022, Sonya Patrick (“Patrick,” or “plaintiff”), filed a pro se complaint [D.E. 1]. On May 17, 2023, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to United States Magistrate Judge Brian S. Meyers for a Memorandum and Recommendation (“M&R”), to ensure Patrick corrected the service of process deficiencies, and for a frivolity review [D.E. 13]. On November 27, 2023, Judge Meyers issued an M&R recommending that the court dismiss the action without prejudice [D.E. 14].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See id. at 315–16; Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal

an issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection." Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Patrick did not object to the M&R; therefore, the court reviews for clear error. See Diamond, 416 F.3d at 315. The court has reviewed the M&R and the record. There is no clear error on the face of the record. See id.

Patrick requests a continuance to "properly respond" and "get proper legal counsel." [D.E. 15] 1. The court denies this motion as moot. Cf. Noe v. McFadden, No. 5:06-CT-3139-D, 2009 WL 10718788, at *4 (E.D.N.C. Aug. 28, 2009) (unpublished).

In sum, the court ADOPTS the conclusions in the M&R [D.E. 14], DENIES plaintiff's motion for extension of time [D.E. 15], and DISMISSES WITHOUT PREJUDICE plaintiff's complaint.

SO ORDERED. This 10 day of December, 2023.

J. Dever
JAMES C. DEVER III
United States District Judge